

**SB87 ENGROSSED**



1 SB87  
2 NRRE98T-2  
3 By Senator Orr  
4 RFD: Healthcare  
5 First Read: 04-Feb-25



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A BILL  
TO BE ENTITLED  
AN ACT

Relating to midwifery; to amend Sections 34-19-12, 34-19-14, and 34-19-16, Code of Alabama 1975, to provide further for the powers of the State Board of Midwifery and the practice of midwifery.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 34-19-12, 34-19-14, and 34-19-16, Code of Alabama 1975, are amended to read as follows:

"§34-19-12

(a) There is created and established a State Board of Midwifery to implement and administer this chapter.

(b) The board shall pay all of its expenses from its own funds and no expenses shall be borne by the State of Alabama from the State General Fund.

(c) The board shall consist of seven members appointed by the Governor and subject to confirmation by the Senate, from a list of qualified individuals nominated by the designated organization. Each list shall contain the names of at least two individuals for each position to be filled.

(d) The members of the board shall be appointed for staggered initial terms and subsequent terms shall be for a



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29 minimum of four years or until his or her successor has been  
30 appointed and qualified.

31 (e) The board shall meet at least twice each year,  
32 conducting its business in person or by electronic methods.

33 (f) The board shall elect one of its members to serve  
34 as chair for a two-year term. ~~The chair may not serve~~  
35 ~~consecutive terms.~~

36 (g) The composition of the board shall be as follows:

37 (1) Four members shall hold a valid certified  
38 professional midwife credential from the North American  
39 Registry of Midwives. These members shall be appointed from a  
40 list of names submitted by the Alabama ~~Birth Coalition~~ Midwives  
41 Alliance or its successor professional midwifery organization.  
42 One of these members shall be appointed to an initial term of  
43 four years, one to a term of three years, and two to a term of  
44 two years.

45 (2) One member shall be a nurse practitioner. This  
46 member shall be appointed to an initial term of four years.

47 (3) One member shall be a licensed certified nurse  
48 midwife or registered nurse licensed under Article 5 of  
49 Chapter 21. This member shall be appointed from a list  
50 submitted by the Alabama Board of Nursing. This member shall  
51 be appointed to an initial term of three years.

52 (4) One member shall have used midwifery services in  
53 the state. This member shall be appointed from a list of names  
54 submitted by the Alabama Birth Coalition. This member shall be  
55 appointed to an initial term of three years.

56 (h) When choosing individuals to be considered by the



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57 Governor for appointment to the board, the nominating  
58 authorities shall strive to assure membership is inclusive and  
59 reflects the racial, gender, geographic, urban, rural, and  
60 economic diversity of the state.

61 (i) All members of the board shall be immune from  
62 individual civil liability while acting within the scope of  
63 their duties as board members, unless conduct is unreasonable.

64 (j) Vacancies shall be filled by the Governor and  
65 confirmed by the Senate in the same manner as other  
66 appointments are made. In the case of a vacancy, the new  
67 appointee shall serve for the remainder of the unexpired term.

68 (k) Members of the board shall serve without  
69 compensation but shall be allowed travel and per diem expenses  
70 at the same rate paid to state employees, to be paid from the  
71 funds collected for the administration of this chapter, as  
72 funds are available.

73 (l) The board may employ, subject to the ~~State~~state  
74 Merit System, investigators, inspectors, attorneys, and any  
75 other agents, employees, and assistants as may from time to  
76 time be necessary, and may use any other means necessary to  
77 enforce the provisions of this chapter.

78 (m) Pursuant to any terms and conditions adopted by the  
79 board by official resolution, the board may accept gifts and  
80 grants.

81 ~~(m)~~ (n) (1) A licensed midwife shall file annually with  
82 the board the following information on a form prepared by the  
83 board and accessible on its website:

84 a. The total number of births attended by the licensed



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85 midwife in the previous year, including births where the  
86 licensed midwife was assisting another licensed midwife.

87         b. The number of maternal transfers to a health care  
88 facility from births attended by the licensed midwife,  
89 including instances where the licensed midwife was assisting  
90 another licensed midwife.

91         c. The number of infant transfers to a health care  
92 facility from births attended by the licensed midwife,  
93 including instances where the licensed midwife was assisting  
94 another licensed midwife.

95         d. The total number of maternal deaths from births  
96 attended by the licensed midwife, including instances where  
97 the licensed midwife was assisting another licensed midwife.

98         e. The total number of infant deaths from births  
99 attended by the licensed midwife, including instances where  
100 the licensed midwife was assisting another licensed midwife.

101         (2) The board shall make the information collected  
102 under this subsection available to the public in accordance  
103 with federal law.

104         ~~(n)~~(o) The board shall be subject to the Alabama Sunset  
105 Law, Chapter 20, Title 41, as an enumerated agency as provided  
106 in Section 41-20-3, and shall have a termination date of  
107 October 1, 2021, and every four years thereafter, unless  
108 continued pursuant to the Alabama Sunset Law."

109         "§34-19-14

110         (a) The board shall do all of the following consistent  
111 with this chapter:

112         (1) Approve, renew, suspend, or revoke licenses for the



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113 practice of midwifery.

114 (2) Investigate and conduct hearings regarding  
115 complaints against a licensed midwife in order to determine if  
116 disciplinary action is warranted.

117 (3) Establish reasonable licensure fees, including, but  
118 not limited to, initial application, renewal, and  
119 reinstatement fees.

120 (4) Develop standardized forms including, but not  
121 limited to, a midwife disclosure form, informed consent form,  
122 emergency care form, and applications for licensure and  
123 renewal.

124 (5) Impose administrative fines, not to exceed one  
125 thousand dollars (\$1,000) per violation, for violating this  
126 chapter, a board rule, or a condition of a license.

127 (6) Establish levels of professional liability  
128 insurance that must be maintained by a licensed midwife at a  
129 limit of no less than one hundred thousand dollars (\$100,000)  
130 per occurrence and three hundred thousand dollars (\$300,000)  
131 aggregate.

132 (b) (1) The board shall adopt rules pursuant to the  
133 Administrative Procedure Act to implement this chapter in a  
134 manner consistent with the most current North American  
135 Registry of Midwives Job Analysis ~~and with essential documents~~  
136 ~~developed and published by the Midwives Alliance of North~~  
137 ~~America~~. The rules shall include, but not be limited to,  
138 provision for all of the following:

139 a. Licensing procedures and requirements.

140 b. Minimum initial and continuing education



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141 requirements for licensure.

142 c. Standards by which a licensed midwife shall conduct  
143 risk assessment.

144 d. Standards for professional conduct.

145 e. A standard procedure for investigating complaints.

146 f. Requirements for clinical internships for  
147 individuals seeking midwifery training.

148 (2) The rules shall ensure independent practice.

149 (c) A licensed midwife may not administer or perform  
150 any of the following obstetric procedures which are outside of  
151 the scope of the licensed practice of midwifery:

152 (1) An epidural, spinal, or caudal anesthetic.

153 (2) Any type of narcotic analgesia.

154 (3) Forceps or a vacuum extractor-assisted delivery.

155 (4) Abortion.

156 (5) Cesarean section or any surgery or surgical  
157 ~~deliver~~delivery except minimal episiotomies.

158 (6) Pharmacological induction or augmentation of labor  
159 or artificial rupture of membranes prior to the onset of  
160 labor.

161 (7) Except for the administration of local anesthetic,  
162 administration of an anesthetic.

163 (8) Administration of any prescription medication in a  
164 manner that violates the Alabama Uniform Controlled  
165 ~~Substance~~Substances Act.

166 (9) Vaginal birth after a cesarean.

167 (d) A licensed midwife may not perform either of the  
168 following:



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169 (1) Delivery of a diagnosed multiple pregnancy.

170 (2) Delivery of a baby whose position is diagnosed as  
171 non-cephalic at the onset of labor."

172 "§34-19-16

173 (a) A licensed midwife may provide midwifery care in  
174 the setting of the client's choice, except a hospital.

175 (b) A licensed midwife shall ensure that the client has  
176 signed a midwife disclosure form provided by the board  
177 indicating receipt of a written statement that includes all of  
178 the following information:

179 (1) A description of the licensed midwife's education,  
180 training, and experience in midwifery.

181 (2) Antepartum, intrapartum, and postpartum conditions  
182 requiring medical referral, transfer of care, and transport to  
183 a hospital.

184 (3) A plan for medical referral, transfer of care, and  
185 transport of the client or newborn or both when indicated by  
186 specific antepartum, intrapartum, or postpartum conditions.

187 (4) Instructions for filing a complaint against a  
188 licensed midwife.

189 (5) A statement that the licensed midwife must comply  
190 with the federal Health Insurance Portability and  
191 Accountability Act.

192 (6) The status of a licensed midwife's professional  
193 liability insurance coverage.

194 (7) References to current evidence regarding the safety  
195 of midwifery care in out-of-hospital settings, including a  
196 copy of the most recent statement by the American Congress of





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197 Obstetricians and Gynecologists on home birth.

198 (c) A licensed midwife shall ensure that the client has  
199 signed an informed consent form provided by the board.

200 (d) For screening purposes only, a licensed midwife may  
201 order routine antepartum and postpartum laboratory analyses to  
202 be performed by a licensed laboratory.

203 (e) After a client has secured the services of a  
204 licensed midwife, the licensed midwife shall document an  
205 emergency care plan on a form provided by the board.

206 (f) A licensed midwife shall determine the progress of  
207 labor and, when birth is imminent, shall be available until  
208 delivery is accomplished.

209 (g) A licensed midwife shall remain with the client  
210 during the ~~postparta~~postpartum period until the conditions of  
211 the client and newborn are stabilized.

212 (h) A licensed midwife shall instruct the client  
213 regarding the requirements of the administration of eye  
214 ointment ordered by the Department of Public Health pursuant  
215 to Section 22-20-2.

216 (i) A licensed midwife shall instruct the client  
217 regarding the requirements of administration of newborn health  
218 screening ordered by the Department of Public Health pursuant  
219 to Section 22-20-3.

220 (j) A licensed midwife shall file a birth certificate  
221 for each birth in accordance with the requirements of Section  
222 22-9A-7.

223 ~~(k) A licensed midwife shall collect clinical data~~  
224 ~~under the Midwives Alliance of North America Statistics~~



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225 ~~Project for each client who initiates care and shall submit a~~  
226 ~~copy of the clinical data collected for each consenting client~~  
227 ~~to the board upon request.~~

228 ~~(l)~~(k) A licensed midwife shall report to the Alabama  
229 Department of Public Health pursuant to Chapter 11A~~7~~ of Title  
230 22, and any other law that requires hospitals or physicians to  
231 report to the Alabama Department of Public Health.

232 ~~(m)~~(l) A licensed midwife shall provide all information  
233 required to be provided to new mothers pursuant to Section  
234 22-20-3.1, and all information required to be provided to new  
235 mothers before discharge by hospitals, as defined in Section  
236 22-21-20.

237 ~~(n)~~(m) A licensed midwife shall order those tests  
238 provided in Section 22-20-3 and any rule adopted by the State  
239 Board of Health pursuant to that section relating to the  
240 newborn screening program, to all neonates in his or her care.  
241 However, a licensed midwife may order and administer a heel  
242 lance within 72 hours after birth but is prohibited from  
243 interpreting any tests or screens under this subsection and  
244 shall cause any results to be referred to a physician of the  
245 mother's choosing who is licensed to practice medicine. A  
246 licensed midwife is prohibited from providing any care to  
247 newborns except as otherwise provided in this chapter or in an  
248 emergency.

249 ~~(o)~~(n) A licensed midwife may order and administer a  
250 urinalysis or blood glucose test for the mother as indicated."

251 Section 2. This act shall become effective on October  
252 1, 2025.



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254  
255 Senate

256 Read for the first time and referred .....04-Feb-25  
257 to the Senate committee on  
258 Healthcare  
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260 Read for the second time and placed .....01-Apr-25  
261 on the calendar:  
262 1 amendment  
263  
264 Read for the third time and passed .....08-Apr-25  
265 as amended  
266 Yeas 32  
267 Nays 0  
268 Abstains 0  
269

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271 Patrick Harris,  
272 Secretary.  
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